

Attorney Docket: 1752/49096
PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MANFRED ELZENBECK
Serial No.: 09/622,830 Group Art Unit: 3636
Filed: OCTOBER 18, 2000 Examiner: Stephen A. VU
Title: BEDSTEAD

AMENDMENT UNDER 37 C.F.R. 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

The following comments are addressed to the final Office Action of January 6, 2003.

Claims 15-18 remain rejected under 35 U.S.C. 102 as anticipated by the reference to Baker using the analysis at item 2 on page 2 of the final Office Action while claims 19-22 and 42-43 are rejected under 35 U.S.C. 103 as unpatentable over Baker in view of Abu-Isa et al. as discussed at item 5. Lastly, claims 23-28 have been rejected under 35 U.S.C. 103 as unpatentable over Baker in view of Bartz.

The Remarks portion of the final Office Action at item 7 contains the Examiner's "Response to Arguments" filed on October 18, 2002. In this section, an indication was given that the "spring elements have an elastic textile structure held under a pre-stained condition between longitudinal bars and

forming a supporting surface covering the frame. The bars 1-4 of the reference hold the spring elements in an out stretched position to provide a substantially pre-strained condition.”

Applicant respectfully requests that consideration be given to the relationship between independent claim 15 and the reference to Baker along the following lines:

The material of the bed bottom of Baker is not pre-stained or pre-stressed because it is not stretched beyond its original shape. Any “infinitesimal” manner stretching is not within the meaning of “pre-strained or pre-stressed.”

However, for purposes of argument, if some minor pre-strain is presumed for the bed bottom material, this pre-stain is constant or substantially constant across the entire length of the material whereas the present invention of independent claim 15 requires that it be pre-stressed on a first section which is substantially different from a second pre-stressed of the textile structure and that they are both defined as being at right angles to the longitudinal bars.

Still further, the material of Baker having elastic characteristics for the bed bottom is preferably rubber or a rubber composition whereas the present invention uses an elastic textile structure having synthetic threads. No definition of rubber or a rubber composition can qualify as an elastic textile structure having synthetic threads.

For all of these reasons, the reference to Baker does not anticipate claim 15 and none of the secondary references, even accepting the Examiner's interpretation of the showing of the secondary references, add anything toward meeting the claim limitations of independent claim 15.


Therefore, Applicant respectfully requests the allowance of this application containing claims 15-28, 42 and 43.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket No.:1752/49096).

Respectfully submitted,

Date: May 6, 2003



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